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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/933,197 | 08/21/2001 | Daisuke Ito | 0879-0346P | 6456 |

2292 7590 03/01/2004

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| EXAMINER |
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HARRIS, TIA M

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| ART UNIT | PAPER NUMBER |
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2615

17

DATE MAILED: 03/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/933,197

Applicant(s)

ITO ET AL.

Examiner

Tia M Harris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12/2/03 have been fully considered but they are not persuasive. Applicant argues that the examiner failed to respond to Applicant's argument in the Reply filed March 18, 2003 regarding the examiner's interpretation of the teachings in Freeman. Specifically, Applicant argues that the examiner did not respond to the arguments that the examiner was "taking an overly-broad interpretation of the teachings of Freeman et al in combining video camera (1) and remote unit (2) to teach wireless communication". However, the examiner respectfully directs Applicant's attention to Examiner's response in the previous Office Action beginning at the last paragraph on page 2 and continuing onto page 3. Herein the examiner explains the reasoning behind combining units (1) and (2) of Freeman to result in a camera-integrated type VTR such as that disclosed by Watanabe, and that the wireless communication is between this combined unit and host unit (3).

Applicant further argues that neither Freeman nor Watanabe teach or suggest an encoding device that encodes, according to identification information, at least one of image data and the operation information, as claimed in claim 3. However, as discussed in the Interview held on January 7, 2004 between Examiner and Applicant's Representative, Freeman does teach this feature (see Freeman reference; col 6, lines 44-49; col 7, lines 21-33).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 1, 3-4, 6, 10, 12-14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe (5953481) in view of Freeman (5579239).

(Claims 1, 12) Watanabe discloses a reproducing apparatus having an editing function. This apparatus includes a camera-integrated type VTR that comprises a body (10), a control part provided to the body (5), the control part being operated by a user, communication device which transmits image data (Col 10, Lines 16-20), and a wireless communication device (3) that transmits operation information corresponding with operation of the control part to an external apparatus to remotely control the external apparatus (Col 9, Lines 61-67; Col 10, Lines 1-38). Watanabe does not specifically disclose the wireless communication device transmits image data.

Freeman discloses a remote video transmission system wherein image data is transmitted wirelessly from a camera-integrated device (1,2) to an external apparatus (3).

It would have been obvious to one having ordinary skill in the art at the time the invention was made that the image data transmitted by Watanabe would be transmitted wirelessly, in the manner taught by Freeman, so communication would be made easier by being accessible in areas where standard lines are inaccessible.

(Claims 3-4, 13) Watanabe further discloses a storing device that stores identification information for specifying the external apparatus (Col 8, Lines 8-12) and a specifying device (5) that specifies the external apparatus from the identification information stored in the storing device. Freeman further discloses compressing the image data, transmitting the data, and then decompressing the image data at the external apparatus (Abstract, Lines 1-6). Freeman also discloses an encoding device that encodes, according to the identification information, at least one of the image data and the operation information and a decoding device that decodes, according to the identification information, the encoded data received from the electronic

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camera (col 6, lines 44-49; col 7, lines 21-33). It would have been obvious to one having ordinary skill in the art at the time the invention was made to compress and decompress the image data transmitted by Watanabe, in the manner taught by Freeman, to be able to use low band width lines and reduce time needed to transmit data across the lines. It would have been further obvious to encode one of the image data and operation information, and decode the encoded data, in the manner taught by Freeman, to ensure accurate data is sent to the appropriate external device.

(Claim 6) Freeman further discloses the external unit has a display (Col 4, Lines 28-31; Col 5, Lines 2-3).

(Claim 10) Watanabe further discloses the control part comprises an operation key (input key group (5)).

(Claim 14, 16) Freeman further discloses difficulties encountered when transmitting data via wireless means. Some of the difficulties encountered include aligning the antennas of the transmitting and receiving apparatuses and obstructions between the transmitting and receiving antennas (Col 1, Lines 47-56). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the camera and external apparatus would have to be within a predetermined distance from each other to allow the transmission of image data and information relating to the image data for storage on the external apparatus to occur without encountering the specified difficulties.

4. Claims 2, 5, 7, 9, 11, 15, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe in view of Freeman and Matsumoto (5796428).

(Claim 2) Watanabe in view of Freeman discloses an image reproducing apparatus as discussed above, and Watanabe further discloses the external apparatus comprises a wireless communication device (12) that communicates with the camera to receive accessory

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information. Not specifically disclosed in the inventions of Watanabe and Freeman is a processor configured to classify images received from the camera into image groups according to the accessory information and create virtual folders, each of the virtual folders comprising each of the image groups, and a displaying device which displays the virtual folders.

Matsumoto discloses an electronic photography system. Image data is captured by image capturing unit (101) and stored along with attribute data of the picture image data (Col 7, Lines 53-56). The storage/display unit accepts the attribute and image data from the image-capturing unit, display controller (112) creates album data based on the image and attribute data (Col 7, Lines 57-61; Col 8, Lines 18-19), and displays data on display (113). Display controller (112) classifies images received from image capturing unit (101) into groups according to attribute information and creates albums (virtual folders) that contain the image groups (Col 9, Lines 53-56; see Figs. 5, 7, 8), and display device (113) displays the albums (virtual folders).

It would have been obvious to one having ordinary skill in the art at the time the invention was made that auxiliary data could be used to group images taken by the apparatus disclosed by Watanabe in view of Freeman into "albums" based on the attribute data, in the manner taught by Matsumoto, to designate which folder to put images in, to keep related pictures together in a place where they are easily accessible, and to minimize rearrangement and loss of pictures.

(Claims 5, 17) Matsumoto further discloses a taking lens (202), CCD (203) that serves as an imaging device, and CCD controller (206) that serves as a recording device that records a captured image in storage unit (104) (Col 8, Lines 44-48, 56-59). All of these parts are notoriously well known camera elements.

(Claims 7, 18) Watanabe discloses a storing device and specifying device as discussed above in the rejection of Claim 3, and Freeman discloses the compressing means and encoding device as also discussed above with reference to the rejection of Claim 3.

(Claims 9, 11, 15) Matsumoto discloses a camera with a body, taking lens, imaging device, and recording device as discussed above with reference to the rejection of Claim 5, and also discloses a processor configured to classify images as discussed above with reference to the rejection of Claim 2. Matsumoto further discloses the external apparatus comprises a storage/display controller (111) that comprises an inherent memory for storing program instructions, and display controller (112) responds to these instructions to classify received images. Watanabe in view of Freeman disclose a camera apparatus that comprises a wireless communication device, control part controlled by a user, and operation information, and an external apparatus that comprises a wireless communication device, as discussed above with reference to the rejection of Claim 2.

(Claim 19) See rejection to Claims 14 and 16 above.

5. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe in view of Freeman as applied to claims 1, 4, 12 or 17 above, and further in view of Peters (US 6601093 B1).

The combined invention of Watanabe and Freeman discloses an electronic camera as discussed above, but does not specifically disclose the wireless communication device automatically initiates communication with the external device without any action by the user when the camera is within a predetermined distance of the external apparatus.

Peters discloses a networking environment that utilizes the Bluetooth™ technique, which is a technique that enables devices containing radio modems to be automatically detected upon coming into radio proximity with one or more other similarly-equipped devices (col 6, lines 44-

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49). Peters gives the example of this technique being utilized between a wireless computer and server, wherein the wireless computer establishes communication with the server upon coming into proximity of the signal field of the server (col 4, lines 41-50). Peters further states that the low-powered radio module defined by the Bluetooth standard is intended to be built into various devices, including digital cameras (col 6, lines 59-64), and that the advantages of using this technology include offering a great convenience to users in that devices can easily be added or moved without the inconvenience and expense of cables or in-premises wiring (col 5, lines 1-19).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the Bluetooth technique disclosed by Peters into the electronic camera of Watanabe and Freeman, making the camera a Bluetooth-enabled device, to offer a great convenience to users in that the camera can easily be moved without the inconvenience and expense of cables or in-premises wiring when connected to the external device, and also to reduce power consumption which would occur if the external device was left on when not in use, but rather would turn the external device on when the camera is within a predetermined distance.

6. Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe in view of Freeman and Matsumoto as applied to claims 2, 5 and 17 above, and further in view of Peters.

See the previous rejection of claim 20 above.

7. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe in view of Freeman and Peters.

See the rejection of claims 1 and 20 above.

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8. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe in view of Freeman, Matsumoto and Peters.

See the rejection of claims 5 and 20 above.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tullis (US 6535243 B1) discloses a wireless hand-held digital camera that is in wireless communication with a host computer. Ozawa et al (6115137) disclose an image processing system, digital camera and printing apparatus wherein the digital camera and printing apparatus communicate over wireless means. Balch et al (US 6201469 B1) disclose wireless synchronization of pulsed magnetic EAS systems.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tia M Harris whose telephone number is 703-305-4807. The examiner can normally be reached on M-F 8:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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